

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: MARTIN J. MCCARTHY and
LAURA MCCARTHY

Debtors.

MARTIN J. MCCARTHY and LAURA
MCCARTHY,

Appellants,

v.

Case No.: 2:19-cv-664-FtM-38
Bankr. No.: 9:17-BK-06512FMD

RAVENWOOD HOMES, LLC,

Appellee.

ORDER¹

Before the Court is Appellants' "Florida Homestead Exemption Article X Section 4 Owned by Laura and Martin J. McCarthy 359 Japura Street, Punta Gorda FL 33983" ([Doc. 16](#)). It appears Appellants are trying to claim their residence as exempt under the state-law homestead exemption. Yet this proceeding is an appeal from the Bankruptcy Court's Order ([Doc. 4-13](#)). As the Court said in both its previous Orders (dated January 31, 2020, and March 2, 2020), the Court will only consider matters in the record to review if any error occurred in the Bankruptcy Court. ([Docs. 10; 15](#)). If this document was part of the record below and relevant to this appeal, it should be designated as such and transmitted

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here. Because it does not appear this filing was presented to the Bankruptcy Court, the Court strikes this filing ([Doc. 16](#)) without considering it.

The Court reminds Appellants they should not be filing argument on the substance of their claims at this point. As ordered, this case was submitted to the Bankruptcy Court to resolve the issues with the appellate record. Appellants need to go fix those issues in the Bankruptcy Court and have a supplemental record transmitted here. To ensure this matter is moving along, the Court directs Appellants and Appellee to each file a status report in this Court on the proceedings in the Bankruptcy Court.


This is now the third time the Court is explaining to Appellants there are issues in the record that must be corrected. Still, it seems Appellants have failed to take any steps to resolve those issues. Again, the Court warns Appellants the leniency afforded to pro se litigants has its limits. [Loren v. Sasser, 309 F.3d 1296, 1304 \(11th Cir. 2002\)](#). Appellants should consider this their final warning. If they do not take this opportunity to remedy the serious defects in the record, the Court will order new briefing and consider the appeal on the current record, which is deficient.

Accordingly, it is now

ORDERED:

1. The Clerk is **DIRECTED** to strike Appellants' "Florida Homestead Exemption Article X Section 4 Owned by Laura and Martin J. McCarthy 359 Japura Street, Punta Gorda FL 33983" ([Doc. 16](#)) from the docket.
2. The parties are **DIRECTED** to file separate status reports in this Court on the proceedings in the Bankruptcy Court **on or before March 24, 2020**.

DONE and **ORDERED** in Fort Myers, Florida this 10th day of March, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record